

SECTION: REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

1. Summary of the Office Action.

The corrected drawings were approved.

Claims 1-4, 7, 9, 10 and 13 were rejected under 35 USC 102(e) over Rebischke (USP 6601242).

Claims 5, 11, 14 and 15 were rejected under 35 USC 103(a) over Rebischke in view of Williams or Hartmann et al., or The Opinion of the Nebraska Court of Appeals in State v. Greer.

2. Discussion.

Claim Rejections - 35 USC §102-103

Claims 1-4, 7, 9, 10 and 13 . These claims were rejected under 35 USC §102(e) as being anticipated by Rebischke.

Firstly, applicant contends that Rebischke is not prior art relative to the claimed invention because the earliest effective filing date of Rebischke, October 24, 2000, is after applicants' effective filing date of July 20, 2000. Under 35 USC 365 (a) and (b), the effective filing date of applicants' 35 USC 371 PCT National Stage application is July 20, 2000, the filing date of the GB Patent Application 0017671.9 by right of priority. See MPEP 201.13(b). Priority PCT International application PCT/GB01/03242 designated the US and claimed priority to the regularly filed GB Patent application. The GB priority date is evidenced by a certified copy of the GB Patent Application which was submitted to the USPTO on June 24, 2002.

Secondly, since Rebischke is not prior art, the rejection for anticipation is no longer supported.

Withdrawal of the rejection is respectfully requested.

Claims 5, 11, 14 and 15. These claims were rejected under 35 USC §103(a) as being obvious over Rebischke in view of Williams or Hartmann et al. or The Opinion of the Nebraska Court of Appeals in State v. Greer. As was discussed above, Rebischke is not prior art relative to the claimed invention. Therefore, the remaining references combined as the basis of these rejections do not meet each and every limitation set forth in the pending claims. As the combination of references relied upon lack all of the limitations of the claims, such combination of limitations renders the subject matter patentable, and withdrawal of this rejections are believed to be warranted.

No Admission. Applicants do not necessarily admit that Rebischke contains all of the limitations alleged by the examiner, nor obviously combinable with the remaining applied references.

3. Conclusion.

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, he is invited to call at the number below.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.